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15/10/04	AMH	

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Application No. 01 918 824.2 - 2123	Ref. nak: 15647	Date 15.06.2004
Applicant Avocet Polymer Technologies, Inc.		

**Communication pursuant to Article 96(2) EPC**

The examination of the above-identified application has revealed that it does not meet the requirements of the European Patent Convention for the reasons enclosed herewith. If the deficiencies indicated are not rectified the application may be refused pursuant to Article 97(1) EPC.

You are invited to file your observations and insofar as the deficiencies are such as to be rectifiable, to correct the indicated deficiencies within a period

**of 4 months**

from the notification of this communication, this period being computed in accordance with Rules 78(2) and 83(2) and (4) EPC.

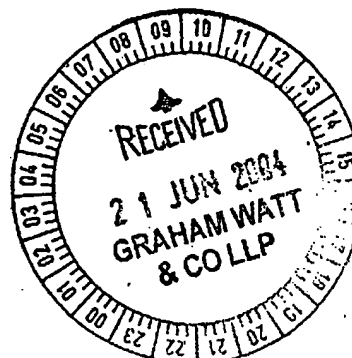
One set of amendments to the description, claims and drawings is to be filed within the said period on separate sheets (Rule 36(1) EPC).

**Failure to comply with this invitation in due time will result in the application being deemed to be withdrawn (Article 96(3) EPC).**



ECONOMOU D  
Primary Examiner  
for the Examining Division

Enclosure(s): 3 page/s reasons (Form 2906)



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**Bescheld/Protokoll (Anlage)**

Datum  
Date 15.06.2004  
Date

**Communication/Minutes (Annex)**

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Sheet 1  
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**Notification/Procès-verbal (Annexe)**

Anmelde-Nr.:  
Application No.: 01 918 824.2  
Demande n°:

The examination is being carried out on the **following application documents**:

**Description, Pages**

1-31 as originally filed

**Claims, Numbers**

1-30 received on 05.11.2002 with letter of 30.10.2002

- 1). The application lacks unity within the meaning of Article 82 EPC for the following reasons:

The problem underlying the present application was the provision of the compositions and corresponding uses for improving the size and appearance of healed wounds. The problem has been solved by

- a). the use of cyclooxygenase inhibitors (claims 1-4,8-9(partially),11 (partially), 15 (partially), 17 (partially), 19-20 (partially), 21-24 (partially), 25-27 (partially), 28 (partially), 29 (partially), 30 (partially), or
- b). the use of NF-kB inhibitors (claims 5,6 (partially),7 (partially),10,12, 15 (partially), 17 (partially), 19-20 (partially), 21-24 (partially), 25-27 (partially), 28 (partially), 29 (partially), or
- c). the use of a thermal insulating material including at least one antiirritant compound (claims 13,14, 17 (partially), 19-20 (partially), 21-24 (partially), 28 (partially), or
- d). the use of a hydrogel including acetylsalicylic acid (claims 16, 17 (partially), 18, 19-20 (partially), 21-24 (partially),28 (partially).

The present application includes at least 4 independent claims (claims 1, 5, 13 and 16) which do not appear to be so linked as to form a single inventive concept.

The inventive concept linking inventions a) and b), as defined above, can be seen in the use of compounds inhibiting (directly or indirectly) cyclooxygenase.

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Beschield/Protokoll (Anlage)

Communication/Minutes (Annex)

Notification/Procès-verbal (Annexe)

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FeuilleAnmelde-Nr.:  
Application No.: 01 918 824.2  
Demande n°:

However, this concept is not novel since **D1** (=EP-A-0 146 847) already discloses the use of salicylic acid for preventing the formation of keloids (see page 1, lines 14-21 and page 4, lines 8-12). Moreover, from **D2** (=US-A-4 346 108) it is known that ibuprofen can be used for prevention of scar tissue (see column 1, lines 17-23). Furthermore, **D3** (=DE 27 07 537) relates to the use of salicylic acid for the treatment of hypertrophic scars (see page 5, lines 13-27; see claims) and **D4** (=WO-A-98/07425) discloses compounds acting as COX-2 inhibitors (and as TNF inhibitors) for the treatment of keloids or prevention of scar tissue formation (see page 12, lines 14-15 and page 16, line 32).

An inventive concept linking inventions a) and b) with c) and d) cannot be found.

As to invention c) applicant's attention is drawn to **D5** (=WO-A-94/17839) which discloses the use of thermal insulating materials for the treatment of fibromatosis, keloids, hypertrophic wounds etc. (see the whole document). Preferred formulations are hydrogels (see from page 12, line 26 to page 13, line 9).

Hence the Examining Division considers that the following separate inventions or groups of inventions are not so linked as to form a single general inventive concept:

- a). the use of cyclooxygenase inhibitors (claims 1-4,8-9(partially),11 (partially), 15 (partially), 17 (partially), 19-20 (partially), 21-24 (partially), 25-27 (partially), 28 (partially), 29 (partially), 30 (partially), or
- b). the use of NF-kB inhibitors (claims 5,6 (partially),7 (partially),10,12, 15 (partially), 17 (partially), 19-20 (partially), 21-24 (partially), 25-27 (partially), 28 (partially), 29 (partially), or
- c). the use of a thermal insulating material including at least one antiirritant compound (claims 13,14, 17 (partially), 19-20 (partially), 21-24 (partially), 28 (partially), or
- d) the use of a hydrogel including acetylsalicylic acid (claims 16, 17 (partially), 18, 19-20 (partially), 21-24 (partially),28 (partially).

Since it is not clear on which invention or group of inventions the further prosecution of the application should be based, no further examination can be carried out. The applicant is asked to state upon which invention or group of inventions further prosecution of the application should be based and to limit the

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**Bescheld/Protokoll (Anlage)**

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**Notification/Procès-verbal (Annexe)**

Anmelde-Nr.:  
Application No.: 01 918 824.2  
Demande n°:

application accordingly. The other inventions or groups of inventions are to be excised from the claims, description and drawings if any.

The subject-matter to be excised may be made the subject of one or more divisional applications. The divisional applications must be filed directly at the European Patent Office in Munich or its branch at The Hague and in the language of the proceedings relating to the present application, cf. Article 76(1) and Rule 4 EPC. The time limit for filing divisional applications (Rule 25(1) EPC) must be observed.

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